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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 19

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Australia, Finland, Gambia*, Ghana*, Ireland*, Japan, Kenya, Netherlands, New Zealand*, Norway*, Poland, Senegal* and Sweden*: draft resolution

Assistance to Somalia in the field of human rights

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the loss of life and the breakdown of governmental authority which has resulted in the need for special measures to promote and protect human rights,

Recalling Security Council resolution 897 (1994) of 4 February 1994, as well as related Security Council resolutions and actions, General Assembly resolution 48/146 of 20 December 1993 and Commission on Human Rights resolution 1993/86 of 10 March 1993,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, the Organization of African Unity, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Recognizing the role African and other regional organizations, especially the Intergovernmental Authority on Drought and Development, the Organization of the Islamic Conference and the Arab League, in the settlement of the conflict in Somalia,

Recognizing also the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that disarmament of the parties to the conflict is an important element in improving the human rights situation,

Deploring continued attacks against United Nations personnel and personnel of other humanitarian organizations and non-governmental organizations in Somalia, sometimes resulting in serious injury or death,

Recalling that the World Conference on Human Rights urged that the advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights, as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process,

Recognizing also the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Emphasizing the importance to that process of developing the Somali police, judicial and penal systems, as well as other institutions for the promotion and protection of human rights, and welcoming the efforts to date by the United Nations Operation in Somalia II in that regard,

Welcoming the establishment of the human rights unit within the United Nations Operation in Somalia II,

Noting the report of the Independent Expert (E/CN.4/1994/77 and Add. 1),

Noting in particular that the development of a long-term programme of advisory services as envisaged in the mandate of the Independent Expert must depend on the final resolution of the political disputes amongst the Somali factions,

1. Urges all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa Agreement of 27 March 1993;

2. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

3. Calls upon all parties in Somalia to respect international humanitarian law and human rights and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death, and reaffirms the applicability of those human rights standards to United Nations personnel in Somalia;

4. Takes note of the recommendation of the Independent Expert that the human rights unit of the United Nations Operation in Somalia II be strengthened and expanded to be able to deal effectively with any alleged violations of human rights by members of the United Nations forces, and that the unit be enabled to provide assistance to any Somali, non-governmental human rights organization throughout the country;

5. Recommends the human rights unit report regularly on its activities and that such reports be made publicly available;

6. Urges the human rights unit to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

7. Requests the Secretary-General to extend for 12 months the mandate of the Independent Expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the Independent Expert's mandate to allow him to receive complaints and

investigate reports of violations of human rights in Somalia, in an effort to prevent human rights violations;

8. Also requests the Secretary-General to provide appropriate additional resources, from within the overall regular budget of the United Nations, to fund the activities of the Independent Expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Requests the Independent Expert to report to the Commission at its fifty-first session on conditions in Somalia and the implementation of the present resolution;

10. Decides to continue consideration of the question at its fifty-first session under the agenda item "Advisory services in the field of human rights".

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COMMISSION ON HUMAN RIGHTS
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ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Australia and Netherlands: draft resolution

Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993 and General Assembly resolution 48/154 of 20 December 1993,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Paris Agreements,

Welcoming the elections of May 1993 and the inauguration of the Government of the Kingdom of Cambodia,

1. Welcomes the establishment of and the commencement of operations of the office of the Centre for Human Rights on 1 October 1993 to implement the mandate set out in paragraph 2 of Commission on Human Rights resolution 1993/6;

2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in paragraph 6 of Commission on Human Rights resolution 1993/6 of 19 February 1993;

3. Takes note with satisfaction of the exchange of letters between the Secretary-General and the Government of Cambodia concerning the consent of the Government for the fulfilment of the mandates of the Centre for Human Rights and the Special Representative in Cambodia;

4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General (E/CN.4/1994/73);

5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;

6. Also requests the Secretary-General, as a matter of urgency, to effect the immediate transfer of responsibility for the management of the United Nations Trust Fund, for a human rights education programme in Cambodia from the United Nations Transitional Authority in Cambodia to the Centre for Human Rights, in order to allow the Centre to implement fully its programme of activities in Cambodia in accordance with the Commission on Human Rights mandate, as set out in paragraph 2 of Commission on Human Rights resolution 1993/6;

7. Invites Governments and interested organizations to contribute to the Centre for Human Rights Trust Fund on Cambodia;

8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73) and his recommendations and conclusions (E/CN.4/1994/73/Add.1), in particular the identification of priority areas requiring urgent attention, namely:

(a) The devotion of proper resources for hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat;

(b) The support of the National Assembly Human Rights Commission including financial assistance for a proper secretariat, equipment and training;

(c) The enactment of laws and related activities in specially urgent areas;

(d) The implementation of training programmes aimed at the promotion and protection of civil rights;

(e) Ensuring true independence of the judiciary;

9. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative and outlined above, paying particular attention to women and vulnerable groups, including children and refugees;

10. Expresses grave concern at the widespread use of anti-personnel land-mines and the devastating consequences and destabilizing effects such mines have on Cambodian society;

11. Requests the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6 of 19 February 1993;

12. Decides to review the respective programmes and mandates set out in its resolution 1993/6 at its fifty-first session;

13. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;

14. Decides to continue its consideration of this matter at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

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COMMISSION ON HUMAN RIGHTS
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Agenda item 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Cuba*: draft resolution

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

The Commission on Human Rights,

Recalling its resolution 1993/58 of 9 March 1993,

Taking note of the report submitted by the Secretary-General (E/CN.4/1994/42) on the various aspects listed in paragraph 2 of resolution 1993/58,

Taking into account the need to continue examining and improving the functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard,

1. Decides that, in the course of the forthcoming rationalization of the Commission's work, the various aspects listed in paragraph 2 of resolution 1993/58 should be considered, taking into account the report of the Secretary-General on this question (E/CN.4/1994/42);

2. Requests that, in the meetings of the Commission, working groups or any other means that may be established to consider the rationalization of the work of the Commission, recommendations should be submitted with a view to improving the functioning of the mechanisms referred to in this resolution;

3. Also requests the Commission, working groups or any other means that may be established to consider the rationalization of the work of the Commission, to submit specific recommendations so that the mechanisms in question can better carry out their work on the basis of their original mandates and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates, while at the same time achieving a better rationalization of the work of the United Nations in this sphere and avoiding duplication and unnecessary wastage of financial and human resources;

4. Decides to consider this question at its fifty-first session under the same agenda item.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Cuba and the Syrian Arab Republic: draft resolution

Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

The Commission on Human Rights,

Recalling its resolution 1993/58 of 9 March 1993,

Taking note of the report submitted by the Secretary-General (E/CN.4/1994/42) on the various aspects listed in paragraph 2 of resolution 1993/58,

Taking into account the necessity, as expressed in the Vienna Declaration and Programme of Action, for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights and, in particular, through improved coordination, efficiency and effectiveness of the UN human rights organs,

Taking into account the need for the appropriate bodies to continue examining and improving the functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the existing international standards in this regard,

1. Decides that, in the course of the forthcoming rationalization of the Commission's work, the report of the Secretary-General on this question prepared in accordance with resolution 1993/58 (E/CN.4/1994/42) should be considered without prejudging the approach of the Chairman to the reorganization of work and reclustering of the agenda;

2. Requests that, when the rationalization of work of the Commission is considered recommendations should be submitted with a view to improving the functioning, the effectiveness, efficiency and coordination of the mechanisms referred to this resolution;

3. Also requests when the rationalization of work of the Commission, is considered, to submit specific recommendations so that the mechanisms in question can better carry out their work on the basis of their mandates established by the Commission and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates, while at the same time achieving a better rationalization of the work of the United Nations in this sphere and avoiding unnecessary duplication and waste of resources;

4. Decides to consider this question at its fifty-first session under the same agenda item.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Cuba, Democratic People's Republic of Korea*, India, Indonesia, Iran (Islamic Republic of), Sudan, Syrian Arab Republic and Viet Nam*: draft resolution

Composition of the staff of the Centre for Human Rights

The Commission on Human Rights,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible,

Also recalling that in part II, paragraph 11, of the Vienna Declaration and Programme of Action, the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities,

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* In accordance with rule 69, para. 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

1. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

2. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries, to ensure equitable geographical distribution, and in this regard to give priority in particular to recruitment to high-level and Professional posts and also to the recruitment of women;

3. Also requests the Secretary-General to present to the Fifth Committee of the General Assembly at its forty-ninth session, through the Economic and Social Council, a report on the current geographical distribution of posts in the staff of the Centre for Human Rights in order to evaluate the implementation of the present resolution;

4. Decides to consider this matter at its fifty-first session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Australia, Austria, Costa Rica, Czech Republic*, Gambia*, Hungary, Sweden* and Switzerland*: draft resolution

Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993 and taking note of the report of the Secretary-General on this question (E/CN.4/1994/52),

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-first session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 of the present resolution;

7. Decides to consider the question again at its fifty-first session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Costa Rica: draft resolution

Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1993/69 of 10 March 1993,

Bearing in mind that, since the appointment of Mr. Fernando Volio Jiménez as Expert in his individual capacity by the Secretary-General, pursuant to resolution 33 (XXXVI) of 11 March 1980, the Government of Equatorial Guinea has received the advisory services of the Expert and the Centre for Human Rights, but that this has led to no improvement in the human rights situation,

Taking into account that, as in the case of the 1980 Emergency Plan of Action, which has never been satisfactorily implemented, the Government has neither taken account of the new Plan of Action drawn up by the Expert in 1992, nor implemented satisfactorily the seven points in the aide-mémoire submitted by the United Nations/UNDP inter-agency mission in April 1993,

Taking note with satisfaction of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life in order to ensure the effective transition to a democratic and pluralistic society,

Pointing out that the conditions under which the legislative elections of 21 November 1993 were held did not ensure their pluralistic nature or permit the political opposition to participate fully,

Concerned by the fact that the authorities persist in arbitrarily arresting and detaining political opponents, often subjecting them to torture or cruel, inhuman or degrading treatment, in some cases resulting in their deaths,

Deploring the fact that the Government of Equatorial Guinea has not fully complied with the commitments entered into with the political forces in the National Pact concluded on 18 March 1993,

Taking note with satisfaction of the fact that, on 12 October 1993, the Government took steps to grant pardon and amnesty to a number of prisoners, as suggested by the Special Rapporteur on his first visit to Equatorial Guinea,

Taking note of the report of the Special Rapporteur (E/CN.4/1994/56), in which he notes that serious and persistent violations of human rights and fundamental freedoms continue to occur in Equatorial Guinea,

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. Expresses its thanks to the Special Rapporteur, Mr. Alejandro Artucio, for his report;

2. Expresses its serious concern at the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or degrading treatment;

3. Expressing further its concern at the fact that, as in the case of the 1980 Plan of Action, the Government has neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the aide-mémoire submitted by the United Nations/UNDP inter-agency mission in April 1993;

4. Deplores the situation and legal and social status of women in Equatorial Guinea, as revealed by the report of the Special Rapporteur;

5. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

6. Also calls upon the Government of Equatorial Guinea to implement procedures for the release of all persons detained or condemned for political reasons and to adopt, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, with a view to furthering democracy, the rule of law and the observance of the human rights and fundamental freedoms of all inhabitants of Equatorial Guinea;

7. Encourages the Government of Equatorial Guinea to re-open the dialogue with all elements of the political opposition, with a view to reaching a consensus on the democratization of Equatorial Guinea;

8. Also encourages the Government of Equatorial Guinea to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs, thus helping to resolve the shortage of specialized personnel;

9. Urges the Government of Equatorial Guinea to invite regional and international human rights bodies to make periodic visits to prisons and civil and military detention centres, without any exceptions;

10. Requests the Secretary-General to provide the Government of Equatorial Guinea with technical assistance in those specific areas suggested by the Special Rapporteur in his report;

11. Decides to renew the mandate of the Special Rapporteur for one year;

12. Requests the Secretary-General to provide the Special Rapporteur with all assistance necessary for the discharge of his mandate;

13. Requests the Special Rapporteur to report to the Commission at its fifty-first session;

14. Decides to consider the question at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".